

**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) 180.00

Complete if Known

Application Number	08/089,407
Filing Date	July 8, 1993
First Named Inventor	Paul LUCIW et al.
Examiner Name	M. Zeman
Group / Art Unit	1643
Attorney Docket No.	002441.57317

**METHOD OF PAYMENT (check one)**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

19-0733

Deposit  
Account  
Name

Banner &amp; Witcoff

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17
- 
- ☐
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other**FEE CALCULATION**

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$0)

## 2. EXTRA CLAIM FEES

Total Claims		-20 **	=	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims		-3 **	=	0	X		=	0
Multiple Dependent					X		=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$0)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

## 3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for re-examination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	180.00
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 (RCE)	740	279	370	Request for Continued Examination	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$180.00)

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)

Lisa M. Hemmendinger

Registration No. Attorney/Agent)

42,653

Telephone

202-508-9100

Signature

Lisa M. Hemmendinger

Date

January 18, 2002

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PATENT

#36  
176

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Paul LUCIW *et al.*

Serial No. 08/089,407

Filed: July 8, 1993

For: **HIV IMMUNOASSAYS USING SYNTHETIC ENVELOPE POLYPEPTIDES**

)  
)  
) Group Art Unit: 1643  
)  
) Examiner: M. Woodward  
)  
) Atty. Dkt. No. 0035.009  
) 02441.57317

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Assistant Director for Patents  
Washington, D.C. 20231

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Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, enclosed are two PTO Forms-1449 listing documents for consideration by the Examiner during the prosecution of the subject application. Copies of each of the cited documents were provided in related application Serial No. 08/083,391.

The documents identified as D1, D2, and D4-D28 are exhibits to the document identified as D3. Their relevance is explained in the D3 document.

Please charge the \$180.00 fee for submission of this Information Disclosure Statement to our Deposit Account No. 19-0733.

01/23/2002 BSAYAS11 00000124 190733 08089407  
01 FC:126 180.00 CH

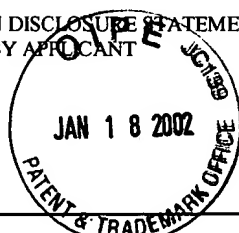
Respectfully submitted,

Dated: 1-18-02

By: Lisa M. Hemmendinger  
Lisa M. Hemmendinger  
Registration No. 42,653

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Suite 1100  
Washington, D.C. 20001-4597  
(202) 508-9100

PTO-1449 (Modified)  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO.  002441.57317, 00035.009	APPLICATION NUMBER: 08/089,407
	APPLICANT Luciw <i>et al.</i>	
	FILING DATE  July 8, 1993	GROUP ART UNIT  1643



## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	D1	EP 0 181 150 B1	14 May 1986	Chiron Corporation	---	---	
	D2	DE 35 87 394 T2	9 June 1993	Chiron Corporation	---	---	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	D3	Translation of Action for Grant of Compulsory License to EP 0 181 150, July 3, 2000
	D4	Interlocutory Decision in Opposition Proceedings 85 307 860.8, 10 March 1998 (English translation, Exhibit K3 filed in compulsory license action [D3])
	D5	Interlocutory Decision in Opposition Proceedings 85 307 860.8, 10 March 1998 (original German, Exhibit K2a filed in compulsory license action [D3])
	D6	Documents submitted to EPO by Chiron for maintaining EP 0 181 150 (Exhibit K3 filed in compulsory license action [D3])
	D7	Minutes of Oral Proceedings in T351/98-334, November 2, 3, and 4, 1999 (Exhibit K4 filed in compulsory license action [D3])
	D8	Main Request and four auxiliary requests (Exhibit K5 filed in compulsory license action [D3])
	D9	copy from Römp's Lexikon der Chemie, 10 <sup>th</sup> ed., Stuttgart/New York, 1999 (Exhibit K6 filed in compulsory license action [D3])
	D10	copy from Römp's Lexikon der Biotechnologie und Gentechnik, 2d ed., Stuttgart/New York, 1999 (Exhibit K7 filed in compulsory license action [D3])
	D11	Product description of Amplicor HIV-1 Monitor™ Test, Version 1.5, November 1998 (Exhibit K8 filed in compulsory license action [D3])
	D12	Product description of COBAS HIV-1 Monitor™ Test, version 1.5, May 1999 (Exhibit K9 filed in compulsory license action [D3])
	D13	Product description of Amplicor® HIV-1 Test, August 1998 (Exhibit K10 filed in compulsory license action [D3])
	D14	Expert opinion by Prof. Dr. med. Lutz Gürtler (Exhibit K11 filed in compulsory license action [D3])

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial citation if reference was considered. Draw line through citation if not in conformance to MPEP 609 and not considered. Include copy of this form with next communication to applicant.

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PTO-1449 (Modified)  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO. 002441.57317, 00035.009	APPLICATION NUMBER: 08/089,407
	APPLICANT Luciw <i>et al.</i>	
	FILING DATE July 3, 1993	GROUP ART UNIT 1642

## FOREIGN PATENT DOCUMENTS


## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

D15	Erice <i>et al.</i> , Performance Characteristics of the bDNA 3.0 Assay for Quantitation of HIV-1 RNA in Plasma, Poster Session (Exhibit K12 filed in compulsory license action [D3])
D16	Roland <i>et al.</i> , Pitfalls of HIV RNA testing in the San Francisco Post-Exposure Prevention Project presented at the 6 <sup>th</sup> Conference on retroviruses and Opportunistic Infections (Chicago, February, 1999) (Exhibit K13 filed in compulsory license action [D3])
D17	Perez <i>et al.</i> , Evaluation of the New Quantiplex 3.0 HIV bDNA Assay (Q3): A comparison with Quantiplex 2.0 (Q2), presented at the 6 <sup>th</sup> Conference on retroviruses and Opportunistic Infections (Chicago, February, 1999) (Exhibit K14 filed in compulsory license action [D3])
D18	Decision of the 4 <sup>th</sup> Division for Civil Matters of the Regional Court Düsseldorf pronounced May 18, 2000 (original German, Exhibit K15 filed in compulsory license action [D3])
D19	Decision of the 4 <sup>th</sup> Division for Civil Matters of the Regional Court Düsseldorf pronounced May 18, 2000 (English translation of Exhibit K15 filed in compulsory license action [D3])
D20	Letter to William Green, Chiron Corporation, dated June 2, 1999 (Exhibit K16 filed in compulsory license action [D3])
D21	Letter to William Green, Chiron Corporation, dated May 19, 2000 (Exhibit K17 filed in compulsory license action [D3])
D22	HIV/AIDS/STI Surveillance, <a href="http://www.who.int/health.topics/hiv.htm">http://www.who.int/health.topics/hiv.htm</a> , '00 (Exhibit K18 filed in compulsory license action [D3])
D23	Allgemeines zu den epidemiologischen Seiten über HIV/AIDS, Robert Koch-Institut, 1999 (Exhibit K19 filed in compulsory license action [D3])
D24	Remarks as prepared for delivery by Vice President Al Gore, United Nations Security Council Opening Session, January 10, 2000 (Exhibit K20 filed in compulsory license action [D3])
D25	Statement by Dr. Andreas Plettenberg, HAART 1998 – Möglichkeiten und Grenzen, 1998 (Exhibit K21 filed in compulsory license action [D3])
D26	Declaration by Prof. Dr. med. Noll (Exhibit K22 filed in compulsory license action [D3])
D27	Declaration of Prof. Dr. Peterson (Exhibit K23 filed in compulsory license action [D3])
D28	Declaration by the joint practice of Dr. med. Knechten, Dr. med. Habetz dated June 5, 2000 (Exhibit K24 filed in compulsory license action [D3])
D29	Declaration of Michael P. Dooley, October 3, 1991, filed in Chiron Corporation v. Roche Nederland B.V. <i>et al.</i> , Case No. 98/870
D30	Declaration of Joseph M. Perillo, 1999, filed in Chiron Corporation v. F. Hoffmann-La Roche AG <i>et al.</i> , Case No. 7 0 21945/97
D31	Statement of Claim dated November 27, 1997, Certified Copy of Court Directions dated December 3, 1997, and copy of decision dated December 3, 1997 in Case No. 7 0 21945/97 (Action for a Negative Declaration)
D32	Decision on Preliminary Motions in Interference No. 103,659
D33	Reconsideration of Decision on Preliminary Motions in Interference No. 103,659

EXAMINER	DATE CONSIDERED
EXAMINER: Initial citation if reference was considered. Draw line through citation if not in conformance to MPEP 609 and not considered. Include copy of this form with next communication to applicant.	